

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

HELEN BAKER,

Plaintiff,

v.

ACCOUNTS RECEIVABLES
MANAGEMENT, INC.,

Defendant.

Civil No. 11-5869 (NLH/KMW)

ORDER

HILLMAN, District Judge

WHEREAS, Plaintiff Helen Baker filed the complaint [Doc. No. 1] in this action on October 11, 2011; and

WHEREAS, Defendant Accounts Receivables Management, Inc. subsequently moved for the involuntary dismissal of Plaintiff's complaint pursuant to Federal Rule of Civil Procedure 41(b) based on her failure to prosecute the case, (see generally Mot. to Dismiss & Br. in Support [Doc. Nos. 23, 24]); and

WHEREAS, the Court denied Defendant's motion without prejudice by Opinion and Order dated May 3, 2013, finding that, on balance, the factors set forth in Poulis v. State Farm Fire and Casualty Co., 747 F.2d 863, 868 (3d Cir. 1984), did not weigh in favor of dismissal but that a lesser sanction than dismissal was warranted in the circumstances of this case, (see Op. [Doc. No. 26] 20, May 3, 2013; Order [Doc. No. 27] 1, May 3, 2013); and

WHEREAS, the Court thereby issued a formal reprimand of Plaintiff for failing to actively engage in this action since the fall of 2012 when her previous counsel withdrew from the case, (see Op. [Doc. No. 26] 20, May 3, 2013); and

WHEREAS, the Court further warned Plaintiff that a continued pattern of inactivity on her part would result in the dismissal of her complaint with prejudice, (id.); and

WHEREAS, the Court issued a separate Order to Show Cause also on May 3, 2013 which required Plaintiff to submit a letter to the Court within twenty (20) days explaining her previous failures to respond to a court order and be available for a status conference, and to outline for the Court whether she intended to continue litigating this matter, (see Order to Show Cause [Doc. No. 28] 1, May 3, 2013); and

WHEREAS, the May 3, 2013 Order to Show Cause specifically put Plaintiff on notice that a failure to timely respond within the twenty day period would result in the dismissal of her complaint with prejudice, (id.); and

WHEREAS, the time within which Plaintiff was required to submit a letter to the Court pursuant to the May 3, 2013 Order to Show Cause has expired; and

WHEREAS, to date, Plaintiff has not submitted the required letter to the Court, has not otherwise responded to the Court's May 3, 2013 Opinion, Order, and Order to Show Cause, and has not

attempted to communicate her intentions regarding litigating this matter to the Court in any other manner; and

WHEREAS, the Court therefore finds that dismissal of Plaintiff's complaint with prejudice is warranted at this time based on Plaintiff's continued failure to prosecute her claims, her failure to timely respond to the Court's May 3, 2013 Opinion, Order, and Order to Show Cause, and in light of the apparent ineffectiveness of the Court's prior sanction of issuing a warning and reprimand for Plaintiff's conduct.

Accordingly,

IT IS on this 5th day of June, 2013, hereby

ORDERED that Plaintiff's complaint shall be, and hereby is, **DISMISSED WITH PREJUDICE**; and it is further

ORDERED that the Clerk is directed to mark this matter as **CLOSED**.

At Camden, New Jersey

s/ Noel L. Hillman
NOEL L. HILLMAN, U.S.D.J.